

REMARKS

Claims 21-23, 25-27, 32-34, and 61-67 are now in the application.

Claim 21 and 61 have been amended based upon the disclosure at page 7, line 32.

Claim 27 has been amended based upon the disclosure at page 18, lines 16-37, page 19, lines 1-15 and Figures 5a-5b.

Applicants submit that these amendments put the claims in better condition for allowance or appeal.

Applicants appreciate and acknowledge the effort and attempt by the Examiner to draft a claim considered by the Examiner to distinguish patentably over the art of record.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Rejections under 35 U.S.C. § 103

Claims 27, 29 and 32-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols '255.

Applicants submit that claim 29 has been cancelled without prejudice, therefore mooting the rejection of this claim.

Applicants respectfully submit that claim 27 has been amended to require a cleaning pad having a lower surface which comprises a **substantially flat** lower cleaning surface and **at least two cleaning surfaces extending from said lower cleaning surface** wherein said at least two cleaning surfaces are **non-parallel to said substantially flat** lower cleaning surface and wherein said substantially flat lower cleaning surface and said at least two cleaning surfaces define **three discrete cleaning surfaces** each of which being adapted to contact the surface being cleaned. (Emphasis added)

As best understood by Applicants, Nichols '255 discloses a mop pad having a substantially semi-cylindrical shape.

It is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." *In re Vaeck*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

It is Applicants' position that Nichols '255 does not teach or suggest a cleaning pad having a lower surface which comprises a substantially flat lower cleaning surface and at least two cleaning surfaces extending from said lower cleaning surface wherein said at least two cleaning surfaces are non-parallel to said substantially flat lower cleaning surface and wherein said substantially flat lower cleaning surface and said at least two cleaning surfaces define three discrete cleaning surfaces each of which being adapted to contact the surface being cleaned.

Therefore, it is Applicants' position that the Examiner failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejection of claims 27, 29 and 32-35 are therefore respectfully requested.

Claims 21-23, 25, 26 and 61-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols '255 in view of Newell '133.

Applicants submit that claim 21 and 61 have been amended to require a **disposable** cleaning pad.

Applicants respectfully remind the Examiner that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." *In re Vaeck*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

As best understood by Applicants, Nichols '255 discloses a mop pad comprising a base member, a filler material, a fabric covering and a netting. (See Col 4, lines 43-44 and Fig. 3) On numerous occasions, Nichols refers to the mop pad as being "washable" and "reusable" (See, Title, Abstract) Nichols asserts that "the prior art fails to disclose a construction of a mop head which may be reused after washing in a conventional machine along with other clothing" and that "[a] further object of the present invention is to provide such a mop head whereby repeated use of the mop head pad minimizes waste due to the disposal of used mops and mop heads." (Emphasis supplied, see Col 2, lines 39-55, Col 3, lines 1-5, Col 4, lines 5-8 and Col 5, lines 13-16) In addition, Nichols stresses that "[I]t has been found that the construction of the mop pad of the present invention as described is durable to withstand many uses and washings" and that "[f]rom the foregoing description, it will

be recognized by those skilled in the art that a **washable** scrubbing mop head and kit offering advantages over the prior art has been provided. Specifically, the **washable** scrubbing mop head and kit provides a means for cleaning floors using minimal cleaning fluids and while providing a mop pad which **may be cleaned** using no additional water or cleaning powders over current requirements of the user. By providing such a device, **many environmental concerns are alleviated**, and specifically, less water is consumed and **less waste is produced when compared to conventional floor cleaning methods.** (Emphasis supplied, see Col 5, lines 28-31, lines 66-7 and Col 6, lines 1-9).

Applicants note that Newell discloses a **string** mop head mop head, as opposed to a mop pad. Newell '133 asserts that "[t]he web elements of the present invention thus **are to be distinguished from the planar fibrous web elements.**" (Emphasis supplied, see Col 4, lines 51-52) Clearly, Newell '133 is directed to "**fibrous web elements** in the form of loops as well as free ends" and that these web elements "**form strands or "ropes"** of the fibrous materials." Emphasis added, see Col 9, lines 34-36 and Col 10, line 1)

Newell '199 discloses that the web elements (of a string mop head) may be impregnated or otherwise associated therewith a super-absorbent material.

It is Applicants' position that, Nichols '255 clearly teaches away from the present invention and Newell '133 as it discloses a reusable and washable mop pad.

It is Applicants' position that one skilled in the art, at the time the invention was made would have had no motivation to modify the absorbent layer of Nichols '255 with string web elements associated with super-absorbents of Newell' 199.

Moreover, in the office action dated January 29, 2002, the Examiner stated that "it would have been obvious to one of ordinary skill in the art to have modified the absorbent layer of Nichols as such so, **if so desired**, to produce a single-use mop application."

Applicants respectfully disagree with the Examiner.

Applicant reminds the Examiner that "[w]hen applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (1)The claimed invention must be considered as a whole; (2)the reference must be considered as a whole and **must suggest the desirability** and thus the obviousness of making the contribution; (3) the reference must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and (4) reasonable expectation of success is the standard with which obviousness is determined." (Emphasis supplied) *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187, n.5 (Fed. Cir. 1986). MPEP 2141, MPEP 2141.02.

examiner to be part of the absorbent layer and which is the only element in direct fluid communication with the scrubbing layer) would have had to be modified in view of Newell '133. Applicants respectfully submit that there is no motivation whatsoever to modify this fabric covering based on the teachings of Nichols '255.

Since there is no motivation or suggestion to modify Nichols as proposed by the Office Action, nor motivation to combine the teachings of Nichols and Newell, this is an improper combination of references, as supported by the MPEP and case law, and Claims 21-23, 25, 26 are unobvious and patentable over Nichols in view of Newell under 35 U.S.C. § 103(a).

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Claim 21 has been amended as follows:

21. (Amended) An implement for cleaning a surface, the implement comprising:

- a. a handle comprising a support head at one end; and
- b. a disposable and removable cleaning pad having an upper surface and a lower surface, wherein the cleaning pad has multiple widths in the z-dimension and wherein the cleaning pad comprises:
 - i. a scrubbing layer;
 - ii. an absorbent layer in direct fluid communication with the scrubbing layer wherein the absorbent layer comprises a superabsorbent material; and
 - iii. an attachment layer that is essentially fluid impervious.

Claim 27 has been amended as follows:

27. (four times Amended) An implement for cleaning a surface, the implement comprising:

- a. a handle comprising a support head having a top surface and a bottom surface, said support head comprising hooks permanently affixed to said bottom surface of said support head; and
- b. a removable cleaning pad having an upper surface and a lower surface, wherein the cleaning pad has multiple widths in the z-dimension, and wherein the cleaning pad comprises:
 - i. a scrubbing layer;
 - ii. an absorbent layer; and
 - iii. an attachment layer comprising a material that is essentially fluid impervious and at least one surface which is mechanically attachable to said hooks affixed to said bottom surface of said support head;

wherein the lower surface of the cleaning pad comprises a substantially flat lower cleaning surface [two or more] and at least two [discrete] cleaning surfaces extending from said lower cleaning surface [each of which contact the surface being cleaned] wherein said at least two cleaning surfaces are non-parallel to said substantially flat lower cleaning surface and wherein said substantially flat lower cleaning surface and said at least two cleaning surfaces define at least three discrete cleaning surfaces each of which being adapted to contact the surface being cleaned.

Claim 61 has been amended as follows:

61. (Amended) A disposable cleaning pad having an upper surface and a lower surface, wherein the cleaning pad has multiple widths in the z-dimension, and wherein the cleaning pad comprises a superabsorbent material.